S.B. CRIMINAL MISC. II BAIL APPLICATION NO.3371/2006
(Sopa Ram Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. N.S. Purohit, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

I have heard learned counsel for the applicants as well as learned Public Prosecutor for the State and carefully gone through the statements of of PW-4 and PW-5.

It is contended by the learned counsel for the applicant that challan was filed against the application on the basis of his confessional statements made before two witnesses namely PW-4 Babu Khan and PW-5 Mangan Singh and both of them have turned hostile before the court. It is also contended that contraband was not recovered for the applicant.

Taking into consideration the facts and circumstances of the case and without expressing any opinion on merit of the case, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Sopa Ram S/o Vaga Ram shall be released on bail (in CR No.83/2005 P.S.

Samdari) provided he executes a personal bond in the sum of Rs.50,000/- and furnishes two sound and solvent sureties in the sum of Rs.25,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. II BAIL APPLICATION NO.3383/2006
(Sukh Ram Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Suresh Kumbhat, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

I have heard learned counsel for the applicants as well as learned Public Prosecutor for the State and carefully gone through the statements of of Suresh, Jagdish and Badri Lal.

It is contended by the learned counsel for the applicant that in all 16 witnesses have been examined by trial court and most of the witnesses have turned hostile and there is no direct allegations and some of the evidence is on the basis of information given by unknown persons and as per the information of PW-14 Suresh and PW-3 Jagdish, who have turned hostile before the trial court. Therefore, there is no corroborative evidence against the petitioner.

Learned Public Prosecutor vehemently opposed the bail.

Taking into consideration the facts and circumstances of the case and without expressing any opinion on the merit of the case, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Sukh Ram @ Sukh Lal S/o Kalu @ Karoo shall be released on bail (in FIR No.144/2005 P.S. Chhoti Sadari, District Pratapgarh) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. III BAIL APPLICATION NO.3250/2006
(Ramu Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. M.K. Garg with
Mr. Anil Joshi, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

I have heard learned counsel for the applicants as well as learned Public Prosecutor for the State and carefully perused the statements.

It is contended by the learned counsel for the applicant that applicant is behind the bars since 12.8.2005 and as per the statement Doctor PW-4, it is categorically stated by him that there were four contusion and none of the injuries were inflicted upon the vital part of the body, therefore, his case does not travel beyond Section 325 I.P.C.

Learned Public Prosecutor vehemently opposed the bail.

Taking into consideration the facts and circumstances of the case and looking to fact that the petitioner is behind the bars since 12.8.2005 and as per the statement of PW-4, none of the injuries were found on the vital part of the body, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the third bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Ramu @ Rameshwar S/o Om Das shall be released on bail (in FIR No.40/2005 P.S. Pallu, District Hanumangarh) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. II BAIL APPLICATION NO.3684/2006
(Bhera Ram Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. V.K. Vyas, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

I have heard learned counsel for the applicants as well as learned Public Prosecutor for the State and carefully gone through the statements of of witnesses.

It is contended by the learned counsel for the applicant that first bail application was rejected by this Court observing that applicant is at liberty to file fresh bail application after recording of the statements of 'motbirs'. Further, while producing the certified copy of statements of PW-1 Nathu, PW-2 Deepak, PW-3 Jabbar Mohammad, PW-4 Lal Mohammad and PW-5 Ismile out of which PW-1 and PW-3 are motbirs, he contended that both the motbirs have turned hostile before the court.

Learned Public Prosecutor opposed the bail.

Taking into consideration the facts and circumstances of the case and without expressing any opinion on merit of the case, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Bhera Ram S/o Madrupa Ram shall be released on bail (in FIR No.132/2005 P.S. Bhadesar District Chittorgarh) provided he executes a personal bond in the sum of Rs.50,000/- and furnishes two sound and solvent sureties in the sum of Rs.25,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. II BAIL APPLICATION NO.3882/2006
(Ramesh Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Sanjay Mathur, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State.

It is contended by the learned counsel for the applicant that there is no direct evidence against the applicant and only on the basis of recovery, the applicant has been implicated in this case. It is also contended that even if the prosecution story is accepted then also there was no intention to kill and there was no enmity between the parties. Further it is contended that no identification took place. There is no direct evidence and for the first time in the court in the statement of PW-1 Shanta, she identified the present applicant and other accused persons. It is further contended that as per the examination in chief of statement of PW-1, there is no specific allegations for inflicting injury by the application. It is stated that there were three persons and who has inflicted which injury is not clear and other accused Ramesh has already been enlarged on bail.

Taking into consideration the facts and circumstances of the case and without expressing any opinion on the merit of the case, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Ramesh @ Ramuda S/o Fatta Kalsuwa shall be released on bail (in FIR No.116/2005 P.S. Sadar Dungarpur) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. II BAIL APPLICATION NO.3913/2006
(Mukhtiar Singh Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. M.K. Garg, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

It is reported by the Office that along with the present bail application one more bail application was filed by the present applicant on 4.8.2006, which is lying in the Office because Office has pointed out certain defects. The record of the said bail application is also tagged with these bail application.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State.

It is contended by the learned counsel for the applicant that in the present case all the accused persons except the present applicant have already been enlarged on bail. Bail application of four accused persons was allowed by co-ordinate bench of this Court on 4.7.2006. Thereafter, second bail application of seven accused persons was allowed by this Court on 7.7.2006. It is contended by the counsel for the applicant that as per the prosecution case, there is allegation against the applicant for inflicting one injury upon nose of Ganesha Ram. Further, it is contended that as per the prosecution case only one injury was inflicted by the applicant therefore, it cannot be said that there was any intention to kill. Likewise, the case of the present applicant is not

distinguishable from that of other accused-persons who have already been enlarged on bail. It is also contended that though as per the x-ray report, the injury which has been assigned to the present applicant has been found to be grievous but it was not dangerous to life. Further, it is contended that applicant is behind the bars since long. Therefore, it is prayed that he may be enlarged on bail.

Learned Public Prosecutor opposed the bail.

Taking into consideration the facts and circumstances of the case and without expressing any opinion on the merit of the case, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Mukhtiar Singh S/o Sunder Singh shall be released on bail (in FIR No.141/2006 P.S. Raisingh Nagar, Sri Ganganagar) provided he executes a personal bond in the sum of Rs.20,000/- and furnishes two sound and solvent sureties in the sum of Rs.10,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. II BAIL APPLICATION NO.3941/2006
(Ranveer Singh Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. M.K. Garg, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State.

It is contended by the learned counsel for the applicant that first bail application was rejected vide order dated 13.4.2006 and it was observed that petitioner will be at liberty to file fresh bail application after recording of the statement of witnesses of recovery. It is contended by the counsel for the applicant that statement of both the witnesses of recovery namely PW-1 Sohan Singh and PW-2 Kaka Singh have been recorded and they have turned hostile before the Court. Further, it is contended that applicant is behind the bars since long, therefore, he may be released on bail.

Taking into consideration the facts and circumstances of the case and without expressing any opinion on the merit of the case, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Ranveer Singh S/o Ladu Ram shall be released on bail (in FIR No.18/2006 P.S. Sadulshahar, District Sri Ganganagar) provided he executes a personal bond in the sum of Rs.50,000/- and furnishes two sound and solvent sureties in the sum of Rs.25,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

This order will be subject to the condition that in case accused applicant commits any offence under the Act during the pendency of the present case then it will be open to the prosecution to move application for cancellation of the bail.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. III BAIL APPLICATION NO.4139/2006
(Kailash Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Mahipal Vishnoi, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

I have heard learned counsel for the applicant as well as learned Public Prosecutor for the State.

It is contended by the learned counsel for the applicant that first bail application was rejected vide order dated 1.3.2006 and thereafter, second bail application was also rejected by a detailed order dated 5.7.2006. While rejected the second bail application, it was observed in the order that applicant is at liberty to move fresh bail application after recording the statement of Bhagirath Singh Rajput and Khet Singh Rajput. It is contended that both the witnesses were examined by the trial court and they have turned hostile before the court and not supported the prosecution story.

Taking into consideration the facts and circumstances of the case and without expressing any opinion on the merit of the case, I think it just and proper to enlarge the accused-applicant on bail.

Accordingly, the second bail application filed under Section 439 Cr.P.C. is allowed and it is directed that the applicant Kailash @ Bhutta S/o Dhima Ram Bishnoi shall be released on bail (in CR No.418/2005 P.S. Nimbaheda, District Chittorgarh) provided he executes a personal bond in the sum of Rs.50,000/- and furnishes two sound and solvent sureties in the sum of Rs.25,000/- each to the satisfaction of the learned trial court for his appearance before that Court on each and every date of hearing and whenever called upon to do so, till the completion of trial.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CIVIL REVISION PETITION NO.1295/2003

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Rakesh Sinha, for the revisionist.
Mr. Ravi Bhansali, for the respondent.

It is contended by the learned counsel for the respondent while producing photo stat copy of judgment dated 2.9.2006 that suit which was pending before the Court of Additional District Judge, Fast Track No.2, Bhilwara has already been decided by the trial court and the matter with regard to the order passed by the trial court on 26.10.1999 whereby the application under Order 9 Rule 13 filed by the petitioner has been challenged no longer survives because the suit has already been decided by the trial court, therefore, this revision petition has become infructuous.

Learned counsel for the petitioner has contended that the suit having been decided by the trial court, this revision petition has become infructuous, therefore, a liberty may be granted to raise the grounds in appeal which have been raised in this petition.

In view of above, the revision petition stands dismissed as having become infructuous. It is

always open to the petitioner, if law permits, to raise all his grounds before the appellate court, if he challenges the order passed by the trial court.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. II BAIL APPLICATION NO.1471/2006
(Narayan Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Sandeep Mehta, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

Learned counsel for the applicant does not want to press this bail application as trial has proceeded to its end.

Accordingly, the bail application stands dismissed as not pressed.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. III BAIL APPLICATION NO.3234/2006
(Mubarak Khan Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. N.K. Bohra, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

Learned counsel for the applicant does not want to press this bail. Accordingly, the same stands dismissed as not pressed.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. III BAIL APPLICATION NO.3349/2006
(Kalu Ram Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. D.L. Rawla, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

Learned counsel for the applicant does not want to press this bail. Accordingly, the same stands dismissed as not pressed.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. II BAIL APPLICATION NO.3566/2006
(Hukiya & Ors Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Shambhoo Singh, for the applicants.
Mr. S.N. Tiwari, Public Prosecutor.

I have heard learned counsel for the applicants as well as learned Public Prosecutor.

Looking to the facts and circumstances of the case, I am not inclined to grant bail to the applicants. Accordingly, the same stands dismissed. However, it is expected from the trial court that the trial of the case is completed within reasonable time.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. II BAIL APPLICATION NO.3892/2006
(Vachna Ram Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. M.K. Garg, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

Learned counsel for the applicant does not want to press this bail. Accordingly, the same stands dismissed as not pressed.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. CANCELLATION OF BAIL NO.29/2006
(Ramgopal Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Manoj Rathore, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.
Mr. Nagraj Goswami, for non-applicant No.2.

Learned counsel for the applicant is directed to place on record the complaint, if any, filed before the authorities.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. II BAIL APPLICATION NO.4136/2006
(Ganpat Singh Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. B.N. Kalla, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

It is contended by the learned counsel for the applicant that although at the time of rejection of first bail application vide ord4er dated 4.1.2006, this Court observed that "It is expected that the trial court shall record the statement of prosecutrix – Nirma first." Learned counsel for the applicant contended that though the statements of other witnesses have been recorded but statement of prosecutrix has not been recorded in spite of the order passed by this Court.

Dy. Registrar (Judicial) is directed to call for explanation from the concerned trial court why the statement of prosecutrix – Nirma have not been recorded first.

List on the date when the Bench is formed again as per roster.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. III BAIL APPLICATION NO.4137/2006
(Chand Mohd. Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. Ramesh Purohit, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

Call for the case-diary.

(GOPAL KRISHAN VYAS), J.

arun

S.B. CRIMINAL MISC. III BAIL APPLICATION NO.3234/2006
(Mubarak Khan Vs. State)

Date of order : 6.10.2006

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr. N.K. Bohra, for the applicant.
Mr. S.N. Tiwari, Public Prosecutor.

Learned counsel for the applicant does not want to press this bail. Accordingly, the same stands dismissed as not pressed.

(GOPAL KRISHAN VYAS), J.

arun